

1 No. 85-90443

2
3 Dept. No. XX
4
5
6
7
8
9

10 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEW YORK

11
12 THE HONORABLE WILLIAM E. KEPPEL, DISTRICT JUDGE
13

14 --o0o--
15

16 THE PEOPLE OF THE STATE OF NEW YORK	>	PARTIAL TRANSCRIPT
	>	
18 Plaintiff,	>	OF PROCEEDINGS
	>	
20 vs.	>	March 6-8, 1988
	>	
22 CHARLES M. WILSON	>	
	>	
24 Defendant.	>	
	>	

26 -----
27
28
29 CHARGE: Murder in the First Degree
30
31

32 APPEARANCES:
33
34

35 For the People: D. James Kerning
36 Assistant District Attorney
37
38

39 For the Defendant: John D. Evans, Esq.
40 Attorney at Law
41
42
43
44
45
46
47
48
49

50 Reported by: Maureen P. Brooks, C.S.R. #1274
51
52

1 THE COURT: Does the State wish to make an opening statement?

2 MR. KERNING: Yes, your Honor, if it may please the court.

3 Thank you. I would like to remind the members of the jury that
4 what I am about to present to you, and what the defense will
5 subsequently present in its opening statement, is not to be
6 interpreted as fact, and is not yet evidence. This statement is
7 designed only to give you an overview of the case that will allow
8 you to better understand the context of the evidence when it is
9 presented to you.

10 Ladies and gentlemen of the jury, two people are dead,
11 brutally and senselessly murdered. One was stabbed, the other
12 strangled. Now it is very difficult for anyone to say with any
13 degree of certainty what actually happened on the night that Mrs.
14 Wilson and Mr. Maddox were murdered, as there were only three
15 people present when the crime was committed. Two of them are
16 dead, and the third is the person responsible for their murders.
17 We believe that this third person is Charles Wilson. Naturally,
18 Mr. Wilson denies having any knowledge of the events in question.
19 Most criminals do. So instead we must use the available evidence
20 to piece together what actually happened. As I am confident you
21 will see, here is the most plausible scenario.

22 Charles Wilson was a jealous man. When Mary Lou, his wife,
23 asked for a separation just two weeks prior to the murder, he
24 immediately assumed that she was engaged in some type of extra-
25 marital affair. The real reason was that she had simply fallen
26 out of love. Once the last of their children had left home,

1 there was nothing left to hold the two together, and Mrs. Wilson
2 knew that they would be happier apart. Charles Wilson could not
3 accept this explanation and hired a private investigator to watch
4 his wife to determine whether or not she was having an affair.

5 On the night of the dual murder, Mr. Wilson returned home to
6 respond to his wife's accusations that she was being harassed by
7 a private investigator. Upon entering the home, he found his
8 neighbor, a man by the name of Scott Maddox, visiting his wife,
9 and accused him of being the other man. In his rage, Wilson
10 interpreted Maddox's denials as proof of his guilt. He attacked
11 Mr. Maddox, and in the struggle that followed he stabbed him in
12 the chest and killed him. Mary Lou Wilson became hysterical and
13 frantic with fear and disbelief. She ran to the neighbor's aid.
14 Mr. Wilson responded to the compassion that his wife showed for
15 the dying man by accusing her of infidelity. His rage fueled by
16 her tears, he strangled her.

17 Mr. Wilson realized the magnitude of what he had done, and
18 fled to his apartment where he composed himself and disposed of
19 the murder weapon. Mr. Wilson then contacted his attorney and
20 friend for legal advice, creating the story that he had returned
21 home to collect some personal belongings from his desk and had
22 just happened to discover the murder scene. He admits that a
23 full 30 minutes passed before he contacted the police department.

24 The State will prove that Charles Wilson had the motivation
25 and the opportunity to commit this dreadful crime. Indeed, we
26 will present conclusive fingerprint evidence indicating that the

1 Wilson was at the scene of the crime and had physical contact
2 with the victims. We will show that Wilson's being left-handed,
3 and his physical size and strength are consistent with those of
4 the person who committed the murders. We will challenge Wilson's
5 incredible story and provide overwhelming evidence to convince
6 you that it was he who killed his wife and neighbor in a jealous
7 rage. After a fair consideration of the evidence, ladies and
8 gentlemen, we ask that you convict Charles Wilson of two counts
9 of murder in the first degree. Thank you.

10 THE COURT: Does the defense wish to make its opening
11 statement now?

12 MR. EVANS: Yes, we do. Thank you, your Honor. I would
13 also like to begin by reminding the jury in light of opposing
14 counsel's most imaginative recreation that nothing presented in
15 opening statements should be interpreted as fact in this case.

16 This being true, I think that the prosecution is going to
17 have a difficult time convincing anyone of Charlie Wilson's
18 guilt. The State will produce a substantial amount of indirect
19 circumstantial evidence, but circumstantial evidence proves
20 nothing and should not lead you to vote for a conviction. The
21 State can produce no eyewitness and no murder weapon, but rather
22 will rely on evaluations of my client's emotional state, which we
23 contend are inaccurate evaluations, and on their judgments of the
24 believability of his story.

25 You cannot convict a man for having the human emotion of
26 jealousy. This is not a crime. Charles Wilson had every right

1 to be upset about the breakdown of his marriage. We will produce
2 evidence that proves he was in control of his emotions, and that
3 and that he had begun to rebuild his life.

4 You should not convict a man for being at the wrong place at
5 the wrong time. Mr. Wilson arrived at his house after the
6 murders had taken place. He admits to being at the scene of the
7 crime. He admits to grabbing his wife to see how badly she was
8 wounded, and to attempting to revive her. Would a guilty man
9 have created a story to cover his criminal actions that placed
10 him at the scene? I don't think so. He had simply returned to
11 get some checks and bank statements from his desk drawer.

12 You should also not convict a man for the very human
13 reaction to a frightening and threatening situation of running
14 from the house. Charlie Wilson's ability to think rationally was
15 overwhelmed by horror and fear. My client, obviously correctly,
16 assumed he would be suspected of the crime and fled. He then
17 composed himself, sought advice from a friend, and called the
18 police. He returned to the house to wait for the police to
19 arrive. This is not typical of a guilty man. Finally, a man is
20 not guilty of murder because he writes with a particular hand or
21 because his physical stature resembles what is imagined to be
22 that of the murderer. There are a great many people in this city
23 that are almost six feet tall, and write with their left hand.
24 So what?

25 Once you have heard the facts in this case and have examined
26 them carefully, it will be impossible for you to believe beyond a

1 reasonable doubt that my client killed Mary Lou Wilson and Scott
2 Maddox. And that, ladies and gentlemen, is exactly what must
3 happen for you to find a defendant guilty. Thank you.

4 --oOo--

5 THE COURT: The prosecution may call its first witness.

6 MR. KERNING: Thank you, your Honor. The State would like
7 to call Mr. Robert Scholz.

8 THE COURT: Mr. Scholz will you please step up. I would
9 like to remind you that you have been sworn in previously.

10 MR. SCHOLZ: Yes, your Honor. I understand.

11 THE COURT: You may proceed.

12 MR. KERNING: Thank you. Would you please state your name
13 and occupation to the court.

14 MR. SCHOLZ: My name is Robert Scholz and I am a private
15 investigator.

16 MR. KERNING: Mr. Scholz, were you employed by Mr. Wilson to
17 follow his wife?

18 MR. SCHOLZ: I was hired to observe her, and to attempt to
19 determine if she was having an affair.

20 MR. KERNING: Did Mr. Wilson tell you that his wife was
21 having an affair?

22 MR. SCHOLZ: Yes, he was convinced of it. I thought that my
23 job was going to be a fairly easy one when I took the case.

24 MR. KERNING: How long were you retained by the defendant?

25 MR. SCHOLZ: For ten days.

26 MR. KERNING: And did you find any evidence that Mrs. Wilson

1 was having an affair?

2 MR. SCHOLZ: Absolutely none. I trailed her 24 hours a day
3 for ten days and saw nothing even suspicious.

4 MR. KERNING: Were you trailing Mrs. Wilson on the night she
5 was murdered?

6 MR. SCHOLZ: Mr. Wilson told me to quit. He said he had
7 given up.

8 MR. KERNING: And when was this?

9 MR. SCHOLZ: It was the week she was murdered. Just about
10 four days before it happened I think.

11 MR. KERNING: Thank you. No further questions.

12 THE COURT: You may begin cross examination.

13 MR. EVANS: Thank you, your Honor. Mr. Scholz, how did Mr.
14 Wilson respond when you informed him that you were not having
15 much luck? Did he get angry and demand you try harder insisting
16 that his wife was having an affair?

17 MR. SCHOLZ: He did at first, but as the days went by he
18 started to have doubts and seemed almost uninterested in my daily
19 reports. I thought he would let me go sooner, actually.

20 MR. EVANS: What did you think of Mr. Wilson's disposition?
21 Did he act like a man in a jealous rage? Did he express to you
22 any hatred toward his wife?

23 MR. SCHOLZ: No, Mr. Wilson was a pretty cool-headed guy.
24 He said that he still loved his wife.

25 MR. EVANS: Last question. Aren't investigators paid to be
26 more perceptive than the average person?

1 MR. SCHOLZ: Well, yes.

2 MR. EVANS: Thank you. No further questions.

3 THE COURT: The State may call its next witness.

4 MR KERNING: We call Officer Donald Heffling.

5 THE COURT: Officer Heffling will you please step up. I
6 would like to remind you that you have been sworn in previously.

7 MR. HEFFLING: Yes, your Honor.

8 THE COURT: You may proceed.

9 MR. KERNING: Thank you. Would you please state your name
10 and occupation to the court.

11 MR. HEFFLING: My name is Donald Heffling and I am a police
12 officer for the city of New York.

13 MR. KERNING: Good. Officer Heffling, could you please
14 describe for the court what you encountered at 8:30 pm on July
15 30th, 1987.

16 MR. HEFFLING: I was on patrol that evening so I was in my
17 patrol car cruising the South Side area. At 8:35 pm, I received
18 a call from the station informing me that a murder had taken
19 place at the address of a Mrs. Mary Lou Wilson. I was given
20 orders to investigate. I arrived at 8:40 pm, and was met at the
21 curb in front of the house by the defendant, who informed me that
22 he had reported the incident and gave me directions to the crime
23 scene in the kitchen of the house. While Mr. Wilson remained
24 outside I entered the house and examined the bodies, one male and
25 one female to see if they were alive. They were not. Mr. Maddox
26 had suffered a severe stab wound in the chest, and Mrs. Wilson it

1 appeared had been strangled. The bodies were side by side on the
2 kitchen floor.

3 MR. KERNING: What did you do then?

4 MR. HEFFLING: I immediately called for backup and for a
5 forensic examiner. I then secured the crime scene. When the
6 examiner arrived, we photographed the entire kitchen, conducted
7 an extensive search for the murder weapon over a one mile radius,
8 and collected all potential evidence from the scene of the crime.
9 While the examiner was completing his work, I questioned Mr.
10 Wilson about his involvement in the crime. I told him that he
11 was a suspect in the case. Then I read him his rights and took
12 him to the station for further questioning. When I told him that
13 he had a right to a lawyer, he said that he already spoken with
14 his lawyer earlier that evening.

15 MR. KERNING: And what happened next?

16 MR. HEFFLING: I asked him to relate the events of that
17 evening, everything that happened up until the time the police
18 arrived. I then asked him straight out if he murdered his wife
19 and his neighbor, and he said no.

20 MR. KERNING: So Mr. Wilson denied committing the murders?

21 MR. HEFFLING: Yes, he did.

22 MR. KERNING: When you searched the house, did you find any
23 evidence that the suspect had been there that evening, or that he
24 had been in contact with the victims?

25 MR. HEFFLING: Yes. We found the defendant's fingerprints
26 throughout the house and on both of the victims.

1 MR. KERNING: One final question. Was there any evidence of
2 a forced entry, you know, that maybe a robbery had taken place?

3 MR. HEFFLING: No, we found no evidence of that.

4 MR. KERNING: Thank you. No further questions.

5 THE COURT: You may begin cross examination.

6 MR. EVANS: Thank you, your Honor. Officer Heffling, the
7 murder weapon was never recovered, was it? So you have no idea
8 what Scott Maddox was stabbed with, do you?

9 MR. HEFFLING: That's right. We did not recover the weapon.

10 MR. EVANS: I see. Officer, do you think, based on your
11 experience in law enforcement that if a potential thief was
12 discovered inside a home and killed the occupants in an attempt
13 to escape that he would have remained to steal the family silver?

14 MR. HEFFLING: Sometimes yes, sometimes no. It depends.

15 MR. EVANS: Again, based on your experience as a police
16 officer, was Mr. Wilson behaving like a man who had just
17 committed a murder? Did he seem happy that his wife was dead?
18 Do most murderers wait in front of the crime scene for the police
19 to arrive and then direct the police to the bodies?

20 MR. HEFFLING: Mr. Wilson's behavior was not consistent with
21 that of the typical criminal, if you can talk about a typical
22 criminal. He seemed extremely upset by the death of his wife and
23 was very emotional about the whole thing.

24 MR. EVANS: So when you brought Mr. Wilson to the police
25 station, wasn't he under great stress?

26 MR. HEFFLING: Yes, I would say he was.

1 MR. EVANS: In fact, wasn't he crying?

2 MR. HEFFLING: Yes.

3 MR. EVANS: Thank you. No further questions.

4 THE COURT: The Prosecution may call its next witness.

5 MR. KERNING: The State calls Dr. John Belmonte.

6 THE COURT: Dr. Belmonte, will you please step up. I would
7 like to remind you that you have been sworn in previously.

8 DR. BELMONTE: Yes, your Honor.

9 THE COURT: You may proceed.

10 MR. KERNING: Thank you. Would you please state your name
11 and occupation to the court.

12 DR. BELMONTE: My name is Dr. John Belmonte. I am currently
13 employed by the state coroners office.

14 MR. KERNING: Doctor, could you please describe your
15 credentials and educational background.

16 DR. BELMONTE: I graduated college from the Johns Hopkins
17 University, then the University of Vermont Medical School. Then
18 I served a four year internship in pathology. I have been with
19 the coroners office for over two years.

20 MR. KERNING: Could you please summarize for the court the
21 findings that were made in your investigation.

22 DR. BELMONTE: Certainly. The external examination of Mr.
23 Maddox revealed a one inch laceration to the left of the midline
24 of the sternum and the nipple line, which would place it
25 approximately here. The internal examination revealed that the
26 left chest cavity was full of fluid caused by a 2 inch laceration

1 of the right ventricle of the heart. In plain terms, Mr. Maddox
2 died of a stab wound to the chest.

3 MR. KERNING: And what about Mary Lou Wilson?

4 DR. BELMONTE: Mrs. Wilson showed severe bruising on the
5 front of the throat and a collapsed windpipe. The internal
6 examination revealed that she died of a shortage of oxygen to the
7 brain. She was strangled.

8 MR. KERNING: Dr. Belmonte, can you discern anything about
9 the murder from the wounds on the victims?

10 DR. BELMONTE: Yes, several things. The weapon that stabbed
11 Mr. Maddox was most probably a hunting knife. It is my
12 calculation that the murderer approached Maddox from behind, and
13 stabbed him from left to right. The murderer was holding the
14 knife in his left hand. Because of the height and angle of the
15 wound I would also guess that the murderer is about six feet
16 tall.

17 MR. KERNING: Can you tell us anything else about Mrs.
18 Wilson's murderer?

19 DR. BELMONTE: I'm afraid little can be predicted about the
20 murderer from the strangled victim. It takes very little pressure
21 to bruise the neck and to cut off the supply of oxygen.

22 MR. KERNING: Thank you. No further questions.

23 THE COURT: You may begin cross examination.

24 MR. EVANS: Thank you, your Honor. Dr. Belmonte, the weapon
25 used to stab Maddox is of a common type that exists in probably
26 every garage in the city, isn't that correct?

1 DR. BELMONTE: Well, yes it is...

2 MR. EVANS: Thank you. In your opinion, Dr. Belmonte, does
3 the projected height of the murderer adequately describe the
4 murderer? Couldn't he be 5'10" or 6'2"? Does this hypothesis
5 give us any indication as to who the murderer is?

6 DR. BELMONTE: No, not exactly.

7 MR. EVANS: Thank you. No further questions.

8 THE COURT: The Prosecution may call its next witness.

9 MR. KERNING: Thank you. The prosecution rests, your honor.

10 --oOo--

11 THE COURT: Fine. Will the Defense call its first witness?

12 MR. EVANS: The Defense calls Arnold Feinstein.

13 THE COURT: Mr. Feinstein, will you please step up. I would
14 like to remind you that you have been sworn in previously.

15 MR. FEINSTEIN: Yes, your Honor.

16 THE COURT: You may proceed.

17 MR. EVANS: Thank you. Would you please state your name and
18 occupation to the court.

19 MR. FEINSTEIN: My name is Arnold Feinstein, and I am a
20 carpenter.

21 MR. EVANS: Good. Mr. Feinstein, are you a friend of Mr.
22 Wilson?

23 MR. FEINSTEIN: Yes, we've been neighbors for a long time.

24 MR. EVANS: And were you with him on the night that he
25 supposedly killed his wife?

26 MR. FEINSTEIN: Uh huh, we met after work at a bar on the

1 West Side of town that we often stop at to have a couple of
2 beers.

3 MR. EVANS: Did you discuss Mr. Wilson's marital problems at
4 that time?

5 MR. FEINSTEIN: Yeah, Charlie told me that his wife was
6 upset about him hiring an investigator. He told me she was
7 probably right and that he knew he had over-reacted to her asking
8 him for a separation. I think he understood that his wife wasn't
9 really having an affair.

10 MR. EVANS: Do you think Mr. Wilson was in control of his
11 emotions that night?

12 MR. FEINSTEIN: Yeah. He admitted to being a little crazy
13 in the beginning, but he had calmed down and didn't seem to be
14 crazy anymore. I think he was all right.

15 MR. EVANS: Did he say anything about returning home when he
16 left the bar that night?

17 MR. FEINSTEIN: Yeah, he said that he had to go pick up some
18 stuff from his desk at home. Something about unpaid bills.

19 MR. EVANS: Thank you. Nothing further.

20 THE COURT: You may begin cross examination.

21 MR. KERNING: Thank you. Mr. Feinstein, did you ever hear
22 Charles Wilson express anger or hatred toward his wife?

23 MR. FEINSTEIN: Yes, but not on that night.

24 MR. KERNING: Do you remember what time it was when Mr.
25 Wilson left the bar that night?

26 MR. FEINSTEIN: It was around 7:30.

1 MR. KERNING: So if he was to drive straight to his wife's
2 house he would have been there when?

3 MR. FEINSTEIN: It's about a fifteen minute drive so I would
4 guess 7:45. Unless there was traffic.

5 MR. KERNING: Mr. Feinstein, do you have a family?

6 MR. FEINSTEIN: Yes.

7 MR. KERNING: Have you ever misjudged or misinterpreted the
8 emotions or feelings of your wife or children?

9 MR. FEINSTEIN: No.

10 MR. KERNING: Never?

11 MR. FEINSTEIN: Well, maybe on occasion.

12 MR. KERNING: And you said, Mr. Feinstein, that you are a
13 good friend of Charles Wilson's. Good enough to cover for him?

14 MR. EVANS: Objection. Argumentative.

15 THE COURT: Sustained.

16 MR. KERNING: Withdrawn, no further questions. Uh wait,
17 just one more. Mr. Feinstein, I know that you and Mr. Wilson
18 often played darts while at your favorite bar. Do you know which
19 hand Mr. Wilson throws his darts with?

20 MR. FEINSTEIN: Yes, his left.

21 MR. KERNING: No further questions.

22 THE COURT: The Defense may call its next witness.

23 MR. EVANS: The Defense calls Charles M. Wilson.

24 THE COURT: Mr. Wilson will you please step up. The Court
25 would like to remind you that you have been sworn in previously.
26 You may proceed.

1 MR. EVANS: Thank you. Would you please state your name and
2 occupation to the court.

3 MR. WILSON: My name is Charles Wilson, and I am an
4 electrician.

5 MR. EVANS: Mr. Wilson, did you hire a private investigator
6 to follow your wife?

7 MR. WILSON: Yes, I did.

8 MR. EVANS: What was your reason for doing this?

9 MR. WILSON: I thought that if I could figure out why Mary
10 Lou wanted a divorce, if she was having an affair with another
11 man, we could talk about it and maybe work things out. I loved my
12 wife with all my heart and didn't want to lose her.

13 MR. EVANS: Why then did you tell him to stop investigating
14 her?

15 MR. WILSON: Well, after a while, I didn't believe anymore
16 that she had been having an affair, so I told him that he could
17 quit. I thought that it was time to get on with my life, to put
18 it back together again.

19 MR. EVANS: Mr. Wilson, can you tell us what you were doing
20 on the night of the murders?

21 MR. WILSON: Well, earlier that evening I went to dinner
22 with a friend of mine, Arnie Feinstein. We just had some drinks
23 and talked for a while.

24 MR. EVANS: How many drinks did you say you had?

25 MR. WILSON: I don't know, a couple. Maybe two or three
26 beers.

1 MR. EVANS: And what did the two of you talk about?

2 MR. WILSON: We were just talking about sports, and our
3 jobs, just normal things. We talked a little about Mary Lou and
4 how I was pretty convinced that she wasn't having an affair. I
5 thought things were going much better and I wasn't so depressed
6 anymore.

7 MR. EVANS: So you were feeling pretty good about yourself?

8 MR. WILSON: Yes, at that point I was in a really good mood.

9 MR. EVANS: What time did you leave the bar that evening?

10 MR. WILSON: It was around 7:30. I had to go back home to
11 pick up some banking supplies, because I had bills that were due
12 the next day.

13 MR. EVANS: What did you find when you arrived home?

14 MR. WILSON: I first got the checks and stuff from my desk,
15 then went to the kitchen for something to drink. When I stepped
16 into the kitchen, I saw Mary Lou and Scott lying on the floor,
17 and there was blood everywhere. I ran over to see if I could help
18 Mary Lou, see if she was still alive, but her eyes were open and
19 she wasn't even breathing. I checked Scott, too, but he had blood
20 all over him and there was nothing I could do. I felt real sick,
21 like I was going to vomit and I guess then I went a little crazy,
22 and ran from the house. It was horrible.

23 MR. EVANS: What did you do then?

24 MR. WILSON: I called a lawyer friend to ask what I should
25 do, and he told me that I was the first person that they would
26 suspect. By then I was a little calmer, so I called the police

1 and went back to the house to wait.

2 MR. EVANS: You called the police, even though you figured
3 they would suspect you?

4 MR. WILSON: Yes. It was the best I could do. Besides, I
5 was hoping, I know this sounds irrational, that there was still
6 something they could do to help Mary Lou.

7 MR. EVANS: What happened next?

8 MR. WILSON: I waited while the police went over the house,
9 and took away the bodies. Then they drove me back to the police
10 station and asked me questions about the murders.

11 MR. EVANS: Mr. Wilson, did you kill Mary Lou Wilson and
12 Scott Maddox?

13 MR. WILSON: No, absolutely not.

14 MR. EVANS: The defense rests, your Honor.

15 THE COURT: You may begin cross examination.

16 MR. KERNING: Thank you. Mr. Wilson, when you got home and
17 saw your wife with Scott Maddox...

18 MR. EVANS: Objection.

19 MR. KERNING: Never mind, I withdraw the question. What did
20 you see when you arrived at the house?

21 MR. WILSON: I saw the bodies and the blood, and tried to
22 help, but it was too late.

23 MR. KERNING: Why then didn't you call the police?

24 MR. WILSON: I did. At first I just ran out I was so upset.
25 I just wanted to get out of the house, and away from the bodies.

26 MR. KERNING: So your first impulse was to run, not try to

1 save your wife?

2 MR. WILSON: Like I said, I thought they were dead and I
3 just panicked. I wasn't thinking clearly.

4 MR. KERNING: But you did go over and touch the bodies?

5 MR. WILSON: I remember going over to hold Mary Lou, and I'm
6 pretty sure I went over to Scott too.

7 MR. KERNING: Pretty sure? I mean, your fingerprints are
8 all over the bodies.

9 MR. WILSON: Like I said, I was not thinking clearly at the
10 time. I must have touched him too.

11 MR. KERNING: One last question. If you didn't murder these
12 two innocent people, who did?

13 MR. WILSON: I don't know.

14 MR. KERNING: You don't know. No further questions.

15 THE COURT: Is the State prepared to argue its case at this
16 time?

17 MR. KERNING: Yes, your honor.

18 THE COURT: OK. I would like to admonish the jury that the
19 arguments you are about to hear are not evidence, they are only
20 interpretations of what the evidence may show and the theories
21 that may be drawn. The evidence is received from the witness
22 stand, and the instruction on the law will be given to you by the
23 Court. We'll begin with the Prosecution.

24 --o0o--

25 MR. KERNING: Ladies and gentlemen of the jury, Charles
26 Wilson is a man who was overwhelmed by his emotions. Consumed by

1 jealousy. He spent thousands of hard earned dollars in an
2 attempt to find proof of his wife's infidelity. The defense will
3 try to tell you that Mr. Wilson was in control of his feelings
4 and that he had recovered from the emotional trauma of his
5 separation. I believe it would take a considerably longer time
6 than two weeks to reestablish emotional stability, particularly
7 in a man as deeply troubled as he was. Ladies and gentlemen,
8 Charles Wilson was calm that night not because he had adjusted,
9 but rather because he had already decided to take some sort of
10 drastic action.

11 The evidence against Charles Wilson is substantial. He fits
12 the physical profile described by the coroner. In the absence of
13 evidence of a forced entry or attempted robbery, jealousy becomes
14 the only logical motivation for these murders. The defendant's
15 story has substantial time gaps during which he cannot prove
16 where he was or what he was doing. As a matter of convenience,
17 these happen to coincide with the time of the murder. Not only
18 were Wilson's fingerprints found throughout the house, they were
19 also found on both of the bodies of the victims. Together, these
20 facts should convince you beyond a reasonable doubt that the
21 defendant is guilty.

22 Ladies and gentlemen of the jury, after you have carefully
23 weighed the evidence, a logical and commonsense evaluation of the
24 opposing scenarios presented to you in this courtroom should
25 convince you beyond a reasonable doubt that the defendant,
26 Charles Wilson is guilty of murder in the first degree. Thank

1 you.

2 THE COURT: And from the defense.

3 MR EVANS: Thank you, your Honor. Ladies and gentlemen of
4 the jury, Charlie Wilson is an emotional man. It was emotion
5 that made him rush to the body of his wife when he found her, and
6 that made him flee the scene of the crime when he felt threatened
7 by the possibility of wrongful accusation. We heard from his
8 friend, however, that he was in control of his emotions earlier
9 that night, having accepted the fact that his wife was not having
10 an affair but rather had fallen out of love.

11 The actions of Mr. Wilson following the crime were also not
12 those of a guilty man. He was truly saddened by the death of his
13 wife. Saddened and very distressed. Think about it. A man who
14 is willing to pay thousands of dollars to find out why his wife
15 doesn't love him any longer does not then kill her.

16 The State has failed to prove that my client has committed a
17 crime. They have proven only that he resembles in some marginal
18 ways the man or woman who did commit this crime. If you have not
19 noticed, opposing counsel is also about six feet tall and left-
20 handed and yet he was never a suspect in this case. Ladies and
21 gentlemen, the crime committed was horrible, and whoever did it
22 should be tried and punished. But without a witness, a murder
23 weapon, or any other hard evidence, that person should not be
24 Charlie Wilson. I mean, what do we have? Fingerprints in his
25 own house? The State's evidence is purely circumstantial, not
26 enough to lead you to convict this or any man of such a serious

1 crime.

2 Ladies and gentlemen, if you have a reasonable doubt in this
3 case, you should not convict Mr. Wilson of murder. He is guilty
4 only of expressing his emotional attachment to his wife, and for
5 that he stands falsely accused of murder. Ladies and gentlemen,
6 Charlie Wilson is innocent and should be acquitted. Thank you.

7 THE COURT: Members of the jury. You have now heard all the
8 relevant and material facts in this case. Now it is my obligation
9 to instruct on the law, after which you will deliberate and
10 arrive at a verdict. The defendant has been charged with two
11 counts of first degree murder. However, bear in mind that in the
12 American legal system a defendant is presumed innocent and that
13 the burden is on the prosecution to convince you beyond a
14 reasonable doubt that the defendant, Charles M. Wilson, committed
15 the crime. You will now retire to deliberate the facts and
16 arrive at a verdict. Bailiff--escort the jury to the
17 deliberation room.

18

--o0o--

19